

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

NICHOLAS ROBINSON,

Plaintiff,

-v-

9:21-CV-1322

DAVID HARDER, DAVID
STANTON, ADAM VALLS,
and SOBIA MIZRA,

Defendants.

APPEARANCES:

NICHOLAS ROBINSON
Plaintiff, Pro Se
22-B-0369
Woodbourne Correctional Facility
99 Prison Road
P.O. Box 1000
Woodbourne, NY 12788

BROOME COUNTY
ATTORNEY'S OFFICE
Attorneys for Defendants Harder
Stanton, and Valls
Broome County Office Building
60 Hawley Street
P.O. Box 1766
Binghamton, NY 13902

DAVID N. HURD
United States District Judge

OF COUNSEL:

JENNIFER L. CHURCH, ESQ.
JOSHUA T. TERRELL, ESQ.

ORDER ON REPORT & RECOMMENDATION

On December 10, 2021, *pro se* plaintiff Nicholas Robinson (“plaintiff”), who was at the time an inmate in the custody¹ of the Broome County Sheriff’s Department, filed this 42 U.S.C. § 1983 action alleging that various Broome County officials violated his constitutional rights while he was being held as a pre-trial detainee at the Broome County Jail. Dkt. No. 1. Along with his complaint, plaintiff also sought leave to proceed *in forma pauperis* (“IFP Application”). Dkt. Nos. 2, 3, 5.

On February 18, 2022, this Court granted plaintiff’s IFP Application, conducted an initial review of his complaint, and dismissed the pleading without prejudice based on various defects. Dkt. No. 7. At that time, the Court gave plaintiff an opportunity to file an amended pleading, *id.*, and he thereafter did so, Dkt. No. 15.

On July 22, 2022, this Court reviewed plaintiff’s amended complaint, dismissed some of his claims, but permitted his claims against defendants (1) David Harder, (2) David Stanton, (3) Adam Valls, and (4) Sobia Mizra to proceed to discovery. Dkt. No. 16. Those four defendants answered, Dkt. Nos. 20, 39, conducted some discovery, *see, e.g.*, Dkt. No. 28, and then the

¹ Plaintiff has since been transferred to the custody of the New York State Department of Corrections and Community Supervision. *See* Dkt. No. 64.

Broome County defendants (1,2,3) moved for summary judgment.² Dkt. No. 41. That motion was fully briefed. Dkt. Nos. 51, 52, 53.

On February 20, 2024, U.S. Magistrate Judge Christian F. Hummel advised by Report & Recommendation (“R&R”) that defendants’ motion for summary judgment be granted and plaintiff’s claims against the Broome County defendants be dismissed. Dkt. No. 64.

Plaintiff sought, Dkt. No. 65, and received, Dkt. No. 66, an extension of time in which to lodge objections to Judge Hummel’s R&R. But that deadline has passed without a timely filing. *See id.* Thus, upon review for clear error, the R&R is accepted and will be adopted in all respects. FED. R. CIV. P. 72(b).

Therefore, it is

ORDERED that

1. The Report & Recommendation (Dkt. No. 64) is ACCEPTED;
2. The Broome County defendants’ motion for summary judgment (Dkt. No. 41) is GRANTED;
3. Plaintiff’s claims against defendants David Harder, Adam Valls, and David Stanton are DISMISSED with prejudice; and
4. Defendant Mizra’s motion (Dkt. No. 57) REMAINS PENDING.

IT IS SO ORDERED.

² Defendant Mizra has also moved for summary judgment. Dkt. No. 57. That motion remains pending.

Dated: March 21, 2024
Utica, New York.



The image shows a handwritten signature in black ink, appearing to read "D.N. Hurd". Below the signature, the name "David N. Hurd" is printed in a smaller, standard font, followed by "U.S. District Judge".